

# Quid Novi

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McGILL UNIVERSITY FACULTY OF LAW  
UNIVERSITE MCGILL FACULTE DE DROIT

November 16, 1992  
le 16 novembre, 1992

## LSA TASK FORCE IS STRUCK !

By Ron Levi

Co-Chair, LSA Task Force on the Proposed Modifications to the Québec Bar Association Qualification Process.

On October 30, proposed amendments to the Québec Bar Association Qualification Process were communicated to the McGill student body. Representatives of the Montréal and Québec Bar Associations revealing these proposals stressed that these amendments are still being deliberated. Again, these changes have not been finalized, but are being dis-

cussed.

For those who did not attend the October 30 information session, this is what was discussed:

1. Presently six months part-time, the period spent at the Ecole du Barreau may be increased to eight months. It is unclear whether this would be part-time or full-time, but both options are being reviewed by the Barreau;

2. The subject matter taught at the Ecole du Barreau may be revamped so as to include areas of "droit substantif";

3. The stage per se (articling) may be increased from six months to a full year.

In total, then, the process may be changed from twelve months (half of these being part-time study) to twenty months, conceivably full-time.

Ironically enough, these proposals come shortly after a failed pilot project to actually shorten the procedure.

Unfortunately, the representatives

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## WOMEN AND THE LAW/ WOMEN AGAINST VIOLENCE

By Loretta Colton; LLB III

Open a newspaper on any given day of the week and look carefully enough (sometimes you don't have to look very hard at all), and chances are that somewhere, in the past 24 hours, a woman has been sexually assaulted, battered, or murdered. Every story you read about represents dozens more unreported attacks. Violence against women continues in our society, and it needs to be addressed by EVERYONE, in open discussion and in how we conduct our personal lives.

The McGill caucus of Women and the Law is taking some steps to assist in trying to find understanding and solu-

tions. One of the most recent legislative attempts in this area is the new "rape law", which came into effect on Aug. 15. The Seaboyer decision found the old "rape shield" law, which provided that an almost complete bar of evidence regarding the complainants past sexual history, was a violation of the Charter, depriving the accused of a full defence. The federal government has tried again, and the new law provides guidelines for allowing evidence regarding the sexual past of the complainant, but also introduces a definition of consent into the Criminal Code for the first time. Obviously, this law raises many controversial issues, many of

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## ANNOUNCEMENTS / ANNONCES

**COURSE CHANGE PERIOD** - for the second semester will now commence on December 1st, 1992 and not on January 4th, 1993 as announced in the Course Materials book distributed in June.

**INTERNATIONAL LAW SOCIETY** - recently had their first meeting. It was decided that the ILS would be involved in various conferences inviting guest speakers, round-table discussions and some organization of moots. The ILS is looking forward to an active year and is hoping to see you at their next general meeting.

**STUDENTS COMPLETING DEGREE REQUIREMENTS IN DECEMBER 1992** - please see Christine Gervais, SAO, as soon as possible to be certain your name appears on the list of potential graduating students for FEBRUARY 1993.

**MCGILL/INTERAMICUS HUMAN RIGHTS FORUM** - on Wednesday, November 25, 12:30 p.m. in the Moot Court, Madame Justice Beverley McLachlin of the Supreme Court of Canada will speak on "Combatting the Misuse of Social Stereotypes: The Role of Human Rights Legislation and the Charter".

**MCGILL NAME AND EMBLEM** - This is a reminder that according to the Memorandum of Agreement entered into with McGill University, students are prohibited from using the McGill name and emblem on any T-shirt, cup etc....without prior written authorization.

**THE SMOKING ROOM** - is available to all smokers. Therefore, smoking will not be tolerated in either of the entrances on the ground floor to the faculty.

**ASSOCIATION QUEBÉCOISE DE DROIT COMPARE** - Concours de droit comparé 1992-93 :

Le travail peut être sous forme d'un essai, d'une analyse, d'une monographie, d'une thèse ou toutes autres études de droit comparé; il doit comporter un minimum de 4,000 mots, incluant le texte, les citations et les notes. Le travail peut être rédigé en français ou en anglais. L'auteur peut être un étudiant de premier, deuxième ou troisième cycle d'une Faculté de droit du Québec ou de la Faculté

de droit de l'Université d'Ottawa. Le travail peut être rédigé par une personne ou une équipe d'un maximum de trois personnes. Pour le Concours de 1992-93, la date limite de remise de travail est le 1<sup>er</sup> juin 1993.

Le travail doit être présenté en quatre (4) exemplaires dactylographiés à double-interligne sur du papier 8 1/2 x 11 et il doit être remis à :

Association québécoise de droit comparé  
a/s Monsieur le Professeur Marcel Dubé  
Faculté de droit  
Université de Sherbrooke  
Sherbrooke, Québec  
G1K 2R1

Pour des renseignements, contacter le Professeur Nicholas Kasirer ou le Professeur Stephen Toope.

### COIN DES / SPORTS / CORNER

#### Malum In Se

Anyone on our team can tell you the difference between a victory and a moral victory. A moral victory means a 2 point spread! We lost 5-3 on Sunday, but the score doesn't reflect upon the effort of all players. First star: Debbie J., who, no doubt inspired by her very own fan club, played the game of her life. Second star: Tamara G. with two goals. Third star: Chantal A. with 1 goal and an assist. Highlights of the game, Leslie K's "almost goal" and Tina H's checking ability. Tina was immediately voted "goon of the team" (note that no penalty was called). Now that we've all learned our positions and the off-side rule, we have to admit it's all in the coaching, right Paul M?

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from the Bar Associations could not provide any empirical data to support their contention that a longer bar qualification procedure would produce more qualified lawyers.

Furthermore, there has yet to be any student input into these proposals. Since we are the once affected by any change, this seems odd...

Although the students present at the information session were extremely vocal, the LSA perceived the need for student mobilization on the issue. On Wednesday, November 4th, LSA Legislative Council voted to strike an LSA Task Force on the proposed modifications to the Québec Bar Associations Qualifications Process. Hélène Gagnon and myself were nominated as co-chairs of the Task Force.

Although these proposals are still in preliminary form, student representation is crucial. McGill Law Students who complete the National Program are at a unique bargaining advantage as opposed to the other Québec Law Faculties: A common law degree allows us to apply for admission to the Bars of other provinces. It is crucial that we take a leading note in this process.

The first meeting of the Task Force is scheduled for **Tuesday, November 17 at 4 p.m. in Room 201**. Anyone interested in voicing their concerns, volunteering to help or simply wanting more information is welcome. We **DO** have a say.

Again, there is no cause for panic. However, these are amendments which can affect the great majority of us. Quick and efficient mobilization can do the trick.

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# FAREWELL TO A FRIEND

By Joshua Fireman; BCL III

"Just before the doomed planet, *Krypton*, exploded to fragments, a scientist placed his infant son within an experimental rocket ship, launching it toward Earth!"

So began *Action Comics* #1 and, in June, 1938, a legend was born whose impact would be felt the world over. He rocketed to Earth in the type of spaceship that was the stuff of fantasy, and landed in the little Kansas town of Smallville. The child was an orphan in every sense of the word - not just his parents, but his entire planet had been wiped out in a cataclysmic explosion that had ripped through the planet's very core. The scientist, Jor-El, and his wife, Lara, chose Earth as the adoptive home of their son because there he would acquire great powers; super-strength and invulnerability among them. They believed that he would grow to become a king.

But, Kal-El was adopted on Earth by John and Martha Kent, who proceeded to name the strange baby from outer-space Clark, after Martha's maiden name. Clark was brought up to believe in truth, justice and the American way. He was taught to always help others, and to never turn his back on those in need. Without a doubt, he was truly the world's oldest boy scout,

in a world where those qualities were still valued.

In those early stories, Clark's powers only developed as he grew into adolescence; there was no Superboy in Jerry Seigel and Joe Shuster's original concept. Rather, he was a regular Joe who happened to be an exceptionally tough high-school football player and who, on one summer's day, realized that he could actually run faster than a speeding locomotive.

A house ad in *Superman* #1 read that "a physical marvel, a mental wonder, Superman is destined to reshape the destiny of the world!" And, over the years, Seigel and Shuster's creation has, insofar as a fictional character may, done precisely that. Through radio, television, film and, of course, comic books, Superman had made people believe that a man could fly. But, more than that, the Last Son of Krypton has shaped young minds over the course of three generations in a way that his creators could not have dreamed of.

Superman, you see, stands for values that are no longer in vogue amongst young people. For one thing, he does not kill. "There is always another way," according to Superman, although a cursory survey of the "entertainment" products aimed at today's youth might lead you to believe otherwise.

"With great power comes great responsibility," is another Superman-ism. But, we are treated on a daily basis to well-publicized examples of the contrary. With the political and business arenas being where today's true power is amassed, youngsters would have to be forgiven for believing that abuse is the norm and self-promotion the goal that all must pursue in life.

And, then, there is the value with which Shuster and Seigel tried to imbue their greatest creation from the start - that we all possess the capability to be a "superman". In the early stories, this was manifested in the form of in-house advertisement encouraging kids to take care of their minds and their bodies; in later years it has taken on more graphic form, as comic books found a more adult audience. But the message has remained the same.

Few people realize that the very first issue of *Action Comics* featured Superman being faced with a case of spousal violence. In the more than fifty years since that story was published, wife beating remains as painful and widespread a problem as ever. So, just a few months ago, DC Comics published another story about conjugal violence. In that tale, Superman suddenly realized that a case of wife-beating had been going on



## TEACHING EXCELLENCE AWARD: FOUR NOMINATIONS THIS TERM

**By Monica Creery (member, Teaching Excellence Committee).**

The Teaching Excellence Committee of the LSA is pleased to announce that it has received four nominations for the Teaching Excellence Award. But there are many other excellent teachers in the Faculty who also deserve recognition! There will be another round of nominations in the second term, before the final decision about this year's award is made. The names of all nominees will be announced once the winner has been chosen.

As anybody who has ever attempted to teach anything knows, it is a very difficult and demanding task. And it is only one of many claims on a professor's time, along with research projects, confer-

ences and administrative responsibilities, which often produce more visible rewards. The Teaching Excellence Award is a chance for students to show their appreciation to professors who have the talent, take the time, and make the effort to turn a class into a memorable learning experience.

The nomination process is simple and not particularly time consuming. Professors must be teaching during the term in which they are nominated. Any student in the faculty who is taking or has taken a course with a professor can nominate that professor for the award, by writing a letter to the Teaching Excellence Committee explaining why the professor deserves the award and submitting a General Information Sheet signed by five

other student who are taking or have taken a course with the professor. The General Information Sheet is available at SAO; both the sheet and the letter can be returned to SAO, for the Teaching Excellence Committee.

Once the nominations are in, the Committee sends its members to hand out evaluation forms to all students in at least one class taught by each of the professor nominated. This is done by prior agreement with the professor.

The deadline for second term nominations will be February 23. It's your opportunity to give your favourite professor a boost—why not take advantage of it?

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in the apartment next to his. But, he was powerless to do anything about it. His neighbour didn't want him to interfere in her and her husband's "relationship". Tragically, the most powerful man on Earth was powerless to prevent violence from taking place mere metres away from his home. In story's conclusion, the battered wife, with the help and support of others, mustered the strength to leave her husband for a shelter. But, make no mistake about it - the hero here was the wife, and not the Man of Steel.

It is stories like this that shape young minds and young values for years and lifetimes to come. For more than five decades, there has

been a hero unashamed to stand up for the weak and the underprivileged; a hero who could move mountains, but always had time to pull a cat out of a tree. Granted, a lot of this sounds corny circa 1992; we are all a little jaded and a little cynical. But, is this a reason to turn our back on the values and beliefs that have made this society strong? Can we afford to lose our moral base?

The fictional character that has served as the moral anchor for generations of children and adults is going to die on November 20, 1992. Certainly, DC will eventually bring Superman back. He will be a little darker and a little grittier; a "hero" for these difficult 1990s. But, for those of us who grew up believing that there was a

little good in everybody; that there was "always another way" - a part of us will necessarily disappear on that November Friday.

What we often forget is that Superman is more than a fictional character; he is a part of all of us. He stands for what is right in a world where concepts of right and wrong have become increasingly clouded. He stands for inner strength, just when you think that you can reach no deeper. He represents the future; a future where days are bright and where the stars glisten with anticipation of a new dawn. In truth, Superman is the part of us that believes in the impossible; that the world can be a glorious, safe place where we all live in peace and comfort.

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# Forum National

General Meeting/  
Assemblée Générale

Mercredi 18 oct, room 200

*Interested first-year students are particularly encouraged to  
attend!*



# Forum National

The American Medical Association is proud to present this special feature, the Forum National, which is a platform for the expression of the views of the medical profession on the most important issues of the day. The Forum National is a unique opportunity for the medical profession to voice its opinions on the most important issues of the day.

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## Domestic Economy Assembly's Committee

The American Medical Association's Committee on Domestic Economy has issued a report on the state of the domestic economy. The report states that the domestic economy is in a state of depression, and that the medical profession is being affected by the depression. The report also states that the medical profession is being affected by the depression in a number of ways, including a decrease in the number of patients, a decrease in the amount of money paid for medical services, and a decrease in the number of medical services provided.

## Medical Education and the Public

The American Medical Association's Committee on Medical Education and the Public has issued a report on the state of medical education and the public. The report states that medical education is in a state of decline, and that the public is being affected by the decline. The report also states that the public is being affected by the decline in a number of ways, including a decrease in the quality of medical education, a decrease in the amount of money paid for medical education, and a decrease in the number of medical students.

## Insurance and the Medical Profession The American Medical Association's Committee on Insurance and the Medical Profession

The American Medical Association's Committee on Insurance and the Medical Profession has issued a report on the state of insurance and the medical profession. The report states that insurance is in a state of decline, and that the medical profession is being affected by the decline. The report also states that the medical profession is being affected by the decline in a number of ways, including a decrease in the number of patients, a decrease in the amount of money paid for medical services, and a decrease in the number of medical services provided.



## WHY I HATE PHONE DIRECTORIES

By Joshua Fireman  
V.P. Civil Law.

I never thought that I would wake up in a cold sweat over anything involving the LSA (although Fred's gavel comes close). But, My life has been a **living hell** since the Student Phone Directory From Hell (SPDFH) went into production at the end of September.

First off, there were no first year class reps to help collect BCL I and LLB I phone numbers. So, Alan McConnell (VP Common Law) and myself had to go around to classes trying to make sure that we had all the names and numbers correctly written up. Luckily, the elections came and went, and Marian and Ami were able to help.

Upper year classes were another story. Since third and fourth year students are **ALMOST NEVER IN THIS BUILDING**, their class reps had to try to collect phone numbers from a number of different classes, never sure if they had reached everyone.

Then, I suddenly realized as I was typing up the directory that I **HAD NO IDEA HOW TO CREATE FRENCH ACCENTS ON THE MAC!** Je me présente mes excuses à tous et toutes les étudiants et étudiantes de première année à qui il manque les accents sur leurs noms. Ce n'était certainement pas intentionnel, et si je pouvais rectifier l'erreur, je le ferais. But, for the next 12 months, I'm afraid that you're all going to be accentless.

Of course, the pre-production problems (i.e. "Where the hell is Greg with the National IV list?") were nothing compared to having to explain to everybody and their mothers

why the SPDFHs were so late. Well, they were late because it is up to the class reps to get me the updated class lists, and because the good folks at Wilson & Lafleur don't view student directory production with the same sense of urgency as they view a new civil code.

Then, the SPDFHs finally sprung forth from the printing process, and Alan (VP Common - remember him?) walked down to Old Montreal to pick them up. What Alan and I were unaware of was that 500 SPDFHs weigh about four hundred and twenty-seven pounds. So, poor Alan was only able to carry half of the load up to the Faculty (you're a hero, McConnell!!). This meant that we could only distribute the fraggin' things to first and second year students, while third and fourth years had to wait until the following week to get theirs.

Then just when I thought that I was safe and that I would never have to deal with another SPDFH for the rest of my unnatural life, the Dean's Office graciously informed me that there was a glaring error on the third page of the SPDFH. Unbeknownst to myself, Alan, and several other mere mortals, the Centre for Medicine, Ethics and Law at 1110 Pine Ave **BURNED TO THE GROUND TWO YEARS AGO!** Therefore, please make the following correction in your SPDFHs: The Centre will be located at 3690 Peel as of December. The institute and Centre of Air and Space Law has been booted out of 3690, and can be found at 3661 Peel.

It is about as certain as death and taxes (gee, sounds like a Democratic presidential motto) that you, the students, will find many more mistakes in the directory. Well, just remember two things. First, any mistakes are

probably the result of your class reps failing to get the updated class lists around to you - this was their responsibility and **NOT MINE!** Second, for the next three week, I'll print SPDFH corrections in the *Quid*. Just put them in my box in the LSA office.

And, remember one thing. It's only an SPDFH! Mistakes can be fixed. So, stop being so damn anal retentive about it and help me set things straight! Thanks. I really do love you folks (sniff, sniff).

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which will be decided in the courts in the upcoming months and years. Is the definition of consent adequate? Does it go too far, presuming mens rea against the accused in certain circumstances? Will judges apply the law in such a way that inquisitions into a women's sexual past again become commonplace, putting her on trial rather than the accused?

Women and the Law is in the process of organizing a panel discussion on the new law, to be held in January during McGill's Sexual Assault Awareness Week, to examine the background, history, meaning and practical consequences of the new law, for complainants, accused, and the societal interests in solving the pervasive problem of violence against women.

On a more immediate level for women here at the Faculty of Law, we're also looking into the possibility of offering a one-night "mini-course" in self-defence for women, possibly also during Sexual Assault Awareness Week. This course, although it will by no means make any one a martial arts expert, is designed to confront women with as realistic a simulation of attack scenarios as possible, and provide basic response tactics (i.e. getting the hell out of there). Anyone who may be interested should keep an eye out in early January, or if you're interested in helping get things organized, please call Loretta Colton at 457-8044.



## DON'T BELIEVE THE HYPE : IT'S A SEQUEL

By Nick Katerinakis; BCL III

I just got my copy of *Maclean's* magazine. Actually I "borrowed" it from the Lebanese guy who lives across the hall and who likes to call himself "the equalizer". I was overjoyed by the cover; rather than bore me to death by talking about the ever spreading disease of referendums that has paralyzed the western world, "Canada's Weekly News Magazine" chose to rank the Canadian universities. After flipping past some interesting student sex surveys (Q: How many sexual partners in the last year? A: 1 or else; Men 63%, Women 82% of those surveyed. And you still think that the fear of AIDS hasn't changed us?) I was shocked to find that McGill has been rated the best "medical/doctoral" university in Canada. This to add to its "best University in Canada" title from this same publication last year. This rank is an absolute crock and an affront to our intelligence.

The criteria is disgustingly subjective. The notion that a University is measured by the number of International Graduate students that are enrolled (they would never be coming here because of the relatively cheap tuition and cost of living) or the number of classes that are taught by tenured professors is tenuous at best. However, to imply that any student or employer in Canada would ever for a second care or even think twice about these irrelevant criteria is totally absurd.

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Superman has been known as the Man of Steel; the Metropolis Marvel; Earth's Greatest Hero. But, truly, Superman has always

There are many important areas of comparison that are completely ignored. How can anyone deny the importance of a school's facilities (and I'm not just talking about libraries) in a student's choice of university, daily life and overall university experience. Anyone who has ever laboured in the heat of the McGill weight room, or the Law library for that matter, knows exactly where McGill would finish in this category. Dead last! Poor facilities are a main reason that the country's top athletes continually choose to ignore McGill. It is also a big reason that McGill is lacking in any kind of school spirit. (Unless of course you're talking about the 50 or so engineers who show up at McGill football games to remind opponents about how much more money they are going to make. But school spirit is another area altogether.) By conveniently ignoring the comparison of facilities this survey can pretend that McGill is the top rated University in Canada and that my alma matter, the University of Western Ontario is ranked 10th. As well, it encourages the idiots who run this place to fill the place with highly paid, underworked, yet very diverse academic geeks rather than patch the gaping whole in the east end of the Currie Gym.

The truth be told, it is Western's ranking that is more disturbing to me than McGill's. What this ugly survey does not tell us is that 1/5 of the full-time University population at Western attends religiously oriented affili-

ated colleges/liberal arts faculties. I was a student at Huron College, the founding school at Western (Founded by Anglicans in the early 19th Century, you can major in theology and the church, class rooms and dorms are all in the same building.) It is harder to get in to these colleges and it cost more. However there was gobs of money available in scholarships for needy students, like myself, and I never had a class that had more than 25 people in it. (Compare that to the 400 people in my Intro to Economics Course that I chose to take on the main campus in my first year.) The result was that my graduating class at Huron could boast that 3/4 of its students went on to graduate or professional schools. These types of colleges still exist at U of T. There were also Western Football and basketball games to attend, a beautiful campus and Western Homecoming to look forward to every fall.

Cash strapped and depressed McGill could never aspire to providing this type of quality education and rich university experiences. Principal Johnston can never be accused of bribery, however this doesn't mean he didn't sell his soul and who knows what other favours he offered in return for two top ranks. In the end McGill wins; idiots by thousands are applying even as I type. *Maclean's* loses; after all who can ever take them seriously again? The best university in Canada? Please, don't make me laugh. The best law school in Canada? Now that's another story.

been the *Man of Tomorrow*, and a greater harbinger of hope there has never been. This week, tomorrow dies. And, I cannot help but wonder what lies ahead for each

and every one of us.

**This column is dedicated to the memory of Joe Shuster, 1914-1992. You gave us hope.**